

## **EXHIBIT A**

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| <p>1 A. I remember sometimes I made for \$200, sometimes<br/>     2 I made them for \$300, but I don't recall exactly. I<br/>     3 mean, maybe looking at them. But I don't recall the<br/>     4 exact amounts that I would pay, no.</p> <p>5 Q. Did anyone ever make any payments on your<br/>     6 Inspiron computer on your behalf?</p> <p>7 A. Yes.</p> <p>8 Q. Who would have done that?</p> <p>9 A. My parents.</p> <p>10 Q. Do you recall how often they would have done<br/>     11 that?</p> <p>12 A. No, I don't. I know it was a couple of times,<br/>     13 but not -- not often. Obviously it was sometimes in<br/>     14 front of me, you know, giving them the money and I'd say<br/>     15 make me a check because I didn't want to go to get the<br/>     16 postal money order and pay extra money.</p> <p>17 Q. Okay. So your parents would have written a<br/>     18 check to Dell Financial Services?</p> <p>19 A. Yes.</p> <p>20 Q. And that happened once or twice?</p> <p>21 A. Yes.</p> <p>22 Q. Anyone other than your parents make any<br/>     23 payments on your behalf on the computer?</p> <p>24 A. No.</p> <p>25 Q. Do you know whether your parents maintain any</p> | <p>1 A. Yes.</p> <p>2 Q. And how did you obtain that balance?</p> <p>3 A. Over the phone.</p> <p>4 Q. Did you speak with somebody, or was it a<br/>     5 recorded message?</p> <p>6 A. No, no. I spoke with somebody.</p> <p>7 Q. Did you ever get any names of persons with whom<br/>     8 you spoke?</p> <p>9 A. No, I did not.</p> <p>10 Q. In order to determine what your payoff balance<br/>     11 was, you would have called the same number on the<br/>     12 invoice?</p> <p>13 A. Yes.</p> <p>14 Q. Do you recall ever making any payments on your<br/>     15 Dell computer late?</p> <p>16 A. Yes.</p> <p>17 Q. Do you know if that happened more than once?</p> <p>18 A. I think so, yes.</p> <p>19 Q. Is it your understanding that you owed late<br/>     20 fees as a result of making payments untimely?</p> <p>21 A. Yes, of course.</p> <p>22 Q. And is it your understanding that you paid the<br/>     23 late fees in addition to the amounts owing?</p> <p>24 A. Yes.</p> <p>25 Q. Do you recall the approximate date that you</p> |
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| <p>1 proof of payment on your Dell computer?</p> <p>2 A. No.</p> <p>3 Q. You don't know?</p> <p>4 A. I've asked. No.</p> <p>5 Q. They don't have it?</p> <p>6 A. No.</p> <p>7 Q. Do you recall receiving these invoices such as<br/>     8 the one that's Bates numbered DT 0007 by email?</p> <p>9 A. Never.</p> <p>10 Q. You never did?</p> <p>11 A. No.</p> <p>12 Q. Did you ever check online to determine the<br/>     13 outstanding balance on your computer?</p> <p>14 A. Not that I recall.</p> <p>15 Q. Were you aware that the principal balance on<br/>     16 your computer was not the total payoff balance?</p> <p>17 A. Yes.</p> <p>18 Q. How did you know that?</p> <p>19 A. Because I have other -- other loans and I know<br/>     20 there is a principal and I know there is -- there is a<br/>     21 principal balance and I know there is a payoff balance.</p> <p>22 Q. And it's your understanding that you paid off<br/>     23 the entire balance on your --</p> <p>24 A. Yes.</p> <p>25 Q. -- computer?</p> | <p>1 believe you paid off the entire payoff balance on your<br/>     2 Dell computer?</p> <p>3 A. I think it was about 2003. 2003, almost in<br/>     4 2004. I can't give you a specific date.</p> <p>5 Q. Did you ever receive anything from Dell or Dell<br/>     6 Financial Services that you recall that indicated that<br/>     7 you had paid your computer off in full?</p> <p>8 A. No.</p> <p>9 Q. How about from CIT? Did they send you anything<br/>     10 indicating --</p> <p>11 A. CIT?</p> <p>12 Q. CIT Bank that you --</p> <p>13 A. Citibank?</p> <p>14 Q. CIT.</p> <p>15 A. Oh, I don't -- no, I haven't -- I didn't<br/>     16 receive anything.</p> <p>17 Q. You didn't receive anything from anybody<br/>     18 that --</p> <p>19 A. No.</p> <p>20 Q. -- indicated that your computer was paid off in<br/>     21 full?</p> <p>22 A. No.</p> <p>23 Q. You just determined what the outstanding<br/>     24 balance was and you --</p> <p>25 A. Over the phone.</p> |
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| <p>1       <b>Q.</b> You made a payment on it?</p> <p>2       A. Yes.</p> <p>3       <b>Q.</b> Was it your understanding that the total amount</p> <p>4       financed on the loan agreement was \$1,412 on your</p> <p>5       computer?</p> <p>6       A. Yes. At the time, yes.</p> <p>7       <b>Q.</b> Do you recall the total amount that you</p> <p>8       actually paid with respect to your computer on this</p> <p>9       financing?</p> <p>10      A. The end balance?</p> <p>11      <b>Q.</b> Yes.</p> <p>12      A. I don't remember the exact amount.</p> <p>13      <b>Q.</b> Do you recall paying \$2,209.44 in total?</p> <p>14      A. I don't recall that. I mean, I -- I don't</p> <p>15      recall how much I paid. I know when they told me on the</p> <p>16      phone this is the last payment, I paid it, and that was</p> <p>17      it.</p> <p>18      <b>Q.</b> So you don't recall the total amount that you</p> <p>19      paid?</p> <p>20      A. No, I don't, no. I don't recall how much I</p> <p>21      paid.</p> <p>22      <b>Q.</b> And you don't have any documentation indicating</p> <p>23      how much you paid?</p> <p>24      A. I do not.</p> <p>25      <b>Q.</b> Do you recall ever receiving notices from Dell</p>   | <p>1       situations, and embarrassment that I had recently coming</p> <p>2       to my parents' house.</p> <p>3       You know, my parents got all scared because</p> <p>4       they got this letter from -- from a lawyer, and my</p> <p>5       parents didn't know it was -- you know, some sheriff just</p> <p>6       shows up at your residence showing a lawsuit. So they</p> <p>7       know that this -- they know I'm pursuing this based on</p> <p>8       all those -- all those problems that I've been having.</p> <p>9       <b>Q.</b> Aside from the sheriff showing up with a</p> <p>10      summons for the lawsuit, are you aware of any other -- or</p> <p>11      are you aware of any mail or paperwork that your parents</p> <p>12      received --</p> <p>13      A. No.</p> <p>14      <b>Q.</b> -- from --</p> <p>15      A. Sorry.</p> <p>16      <b>Q.</b> That's okay.</p> <p>17      A. Because I thought you had already said that.</p> <p>18      I'm sorry.</p> <p>19      <b>Q.</b> -- from or on behalf of Dell Financial Services</p> <p>20      with respect to the Inspiron computer?</p> <p>21      A. No.</p> <p>22      <b>Q.</b> What do your parents do with the mail that they</p> <p>23      receive addressed to you?</p> <p>24      MR. WEAVER: Calls for speculation.</p> <p>25      BY MS. WEGNER:</p>  |
| <p>38</p> <p>1       Financial Services and/or Dell that there were payments</p> <p>2       owing on your computer after August of 2003?</p> <p>3       A. No.</p> <p>4       <b>Q.</b> Did you make any phone calls to Dell Financial</p> <p>5       Services or Dell with respect to the Inspiron computer</p> <p>6       that you financed after August of 2003?</p> <p>7       A. No.</p> <p>8       <b>Q.</b> Did your parents ever talk with you about mail</p> <p>9       that they received from Dell Financial Services addressed</p> <p>10      to you on or after August of 2003?</p> <p>11      A. They didn't know it was from Dell, and neither</p> <p>12      did I, but we received -- that has nothing to do with</p> <p>13      this.</p> <p>14      MR. WEAVER: Other than the summons.</p> <p>15      BY MS. WEGNER:</p> <p>16      <b>Q.</b> Well, can you answer my question?</p> <p>17      A. Okay. No.</p> <p>18      <b>Q.</b> Tell me, have you had any discussions with your</p> <p>19      parents in the last six months about your lawsuit against</p> <p>20      Dell Financial Services?</p> <p>21      A. Yes.</p> <p>22      <b>Q.</b> Okay. What have you discussed with them?</p> <p>23      A. I've discussed that -- that I've had problems</p> <p>24      with -- credit problems because of this situation, and</p> <p>25      I've discussed that I have hired a lawyer for these</p> | <p>39</p> <p>1       <b>Q.</b> Do you know? You can answer.</p> <p>2       A. No, I -- I really don't know.</p> <p>3       <b>Q.</b> Do your parents have a practice of gathering up</p> <p>4       all the mail that you receive and either mailing it to</p> <p>5       you or giving it to you when they see you?</p> <p>6       A. Most of the times, yes. Most of the times they</p> <p>7       give me all the mail that is -- at least if it's not junk</p> <p>8       mail. You know, they don't give me anything from Vons or</p> <p>9       Ralphs or stuff like that, no.</p> <p>10      <b>Q.</b> So you leave it to your parents' discretion to</p> <p>11      determine what's junk mail that's addressed to you to</p> <p>12      dispose of?</p> <p>13      A. They basically know what's important and what's</p> <p>14      not.</p> <p>15      <b>Q.</b> Do they open your mail?</p> <p>16      A. Sometimes, if they have authority by me.</p> <p>17      <b>Q.</b> Have you had any discussions with your parents</p> <p>18      with respect to their receipt of the monthly invoices</p> <p>19      from Dell Financial Services?</p> <p>20      A. Would you repeat the question?</p> <p>21      <b>Q.</b> Sure. Did you ever talk with your parents</p> <p>22      about their recollection of receiving monthly invoices</p> <p>23      from Dell Financial Services on your computer?</p> <p>24      A. No.</p> <p>25      MR. WEAVER: Vague as to time.</p> |

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| <p>1 A. No.</p> <p>2 Q. Do you know whether your parents received any<br/>3 phone calls with respect to your loan after August of<br/>4 2003 from Dell financial?</p> <p>5 A. Not that I believe so.</p> <p>6 Q. Aside from the summons and complaint that<br/>7 you've testified to today, are you aware of any other<br/>8 documentation that was delivered to the Port Renwick<br/>9 address after August of 2003 relating to your loan with<br/>10 Dell Financial Services?</p> <p>11 A. Not that I'm aware.</p> <p>12 Q. Are you aware of any other documentation<br/>13 delivered to any other address, either yours in Mexico or<br/>14 any others your parents may have maintained after August<br/>15 of 2003 relating to your loan with respect to —</p> <p>16 A. No.</p> <p>17 Q. — the Inspirion computer?</p> <p>18 A. Not that —</p> <p>19 Q. Okay. So after the first you heard from anyone<br/>20 about your loan with Dell Financial Services, after you<br/>21 believe you'd paid it off, in or around August of 2003,<br/>22 the first you heard again about it was when you received<br/>23 the summons and complaint that you testified to<br/>24 previously. Is that correct?</p> <p>25 A. That is correct.</p> | <p>1 Q. But the same day that they were served —<br/>2 A. Actually, no, it was not the same day. It was<br/>3 maybe like a week later. I was traveling and my parents<br/>4 couldn't get ahold of me. I don't know if it was a week,<br/>5 but maybe five days, somewhere around there.</p> <p>6 Q. Let's see. I thought we marked the — well,<br/>7 that's fine.</p> <p>8 So it was about a week after -- within about a<br/>9 week after your parents.</p> <p>10 A. Within, around, yes.</p> <p>11 Q. I guess I was kind of curious why you decided<br/>12 to finance this computer instead of pay for it in full<br/>13 when you purchased it.</p> <p>14 A. It was just an option.</p> <p>15 Q. Okay. Do you recall what the interest rate was<br/>16 for the --</p> <p>17 A. I don't recall, but I was seeing it right here.</p> <p>18 Q. We will take a look at page 2 of Exhibit 2. We<br/>19 see the annual percentage rate there in the middle of the<br/>20 page?</p> <p>21 A. 23.99.</p> <p>22 Q. Does that ring a bell?</p> <p>23 A. I believe so.</p> <p>24 Q. Take a look at Exhibit 5, which is your<br/>25 Responses to Dell's Request for Admissions, and you were</p>  |
| <p>90</p> <p>1 MS. WEGNER: Okay. I don't have any further<br/>2 questions.</p> <p>3</p> <p>4 EXAMINATION</p> <p>5 BY MR. TOPOR:</p> <p>6 Q. Good afternoon, Mr. Tourgeman.</p> <p>7 A. How are you doing?</p> <p>8 Q. I'm fine, Mr. Tourgeman. Again, my name is<br/>9 Jeff Topor and I represent Collins Financial Services and<br/>10 Nelson &amp; Kennard. I've got some follow-up questions and<br/>11 I also have some questions about a few other things that<br/>12 were not discussed yet this morning.</p> <p>13 When did you first receive the summons and<br/>14 complaint that was apparently delivered to your parents'<br/>15 home?</p> <p>16 A. The day of the letter.</p> <p>17 Q. The day of which letter?</p> <p>18 A. The day the sheriff arrived at my parents'<br/>19 house.</p> <p>20 Q. So you were there when —</p> <p>21 A. I was not there, no.</p> <p>22 Q. Okay. But you were not there when the<br/>23 documents were served. Is that what you're saying?</p> <p>24 A. I was not there when the documents were served.<br/>25 No, I was not there.</p>   | <p>92</p> <p>1 asked about your response to Request For Admission<br/>2 Number 3.</p> <p>3 A. Where is this at?</p> <p>4 Q. It's at the bottom of page 3 of Exhibit 5.</p> <p>5 A. Bottom of page 3.</p> <p>6 Q. Do you remember — this is where we were asking<br/>7 about this request for admission and your response.</p> <p>8 A. Request for admission.</p> <p>9 MR. WEAVER: Do you remember being asked that<br/>10 question?</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MR. TOPOR:</p> <p>13 Q. Okay. And it asked you to admit that you<br/>14 didn't pay the entire balance of the loan on or before<br/>15 December 26, 2003. Right?</p> <p>16 A. There it is, this question again. Like I said,<br/>17 I've paid -- I paid my balance. I paid the whole thing.</p> <p>18 Q. Right. No, I understand that. I'm just trying<br/>19 to find out — you deny — you said you were without<br/>20 sufficient information to form a belief as to the —<br/>21 actually, strike this. I think I understand now. I<br/>22 apologize.</p> <p>23 You were discussing an American Express card<br/>24 that you applied for online that was denied, and you said<br/>25 you submitted that application, you thought, about two</p> |